

RECEIVED  
CENTRAL FAX CENTER

**MCKEE, VOORHEES & SEASE, PLC**

NOV 24 2003

**OFFICIAL**

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • www.ipmvs.com

DATE: November 14, 2003

TO: Art Unit 1638  
MAIL STOP AF

COMPANY: USPTO

PHONE:

FAX: 703-872-9307

FROM: Lila A. T. Akrad

NUMBER OF PAGES (Including cover): 3

COMMENTS: Please file the attached NOTICE OF APPEAL:

IN RE APPLICATION OF: BENSON, David Lee  
SERIAL NO : 09/759,703  
FILED : January 12, 2001  
FOR HYBRID MAIZE PLANT & SEED  
Group Art Unit : 1638  
Examiner : MEHTA, Ashwin D.  
Attorney Docket No: P04847US0 PHI 1379

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

NOV 24 2003

NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

OFFICIAL

IN RE APPLICATION OF: BENSON, David Lee  
SERIAL NO: 09/759,703  
FILED: January 12, 2001  
FOR: HYBRID MAIZE PLANT & SEED  
Group Art Unit: 1638  
Examiner: MEHTA, Ashwin D.  
Attorney Docket No: P04847US0 PHI 1379

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 2, 2003 and the Advisory Action dated November 6, 2003. Applicant is appealing the following claims: 1-7, 51-52, 54, and 64-76, as submitted in the Supplemental Amendment After Final on November 14, 2003.

The items checked below are appropriate:

- ☒ The Commissioner is hereby authorized to charge the Notice of Appeal fees in the amount of \$330.00 to Deposit Account No. 26-0084.
- ☐ The Commissioner is hereby authorized to charge the extension fees to Deposit Account No. 26-0084.
- ☒ The Commissioner is authorized to charge any underpayment or credit any overpayment or to Deposit Account No. 26-0084.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-9307.

Date: 11/24/2003

  
LILA A. T. AKRAD

Respectfully submitted,



LILA A. T. AKRAD, Reg. No. 52,550  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338  
**CUSTOMER NO: 27142**

Attorneys of Record

- pw -